

# **EXHIBIT B**

## ANDERSON KILL P.C.

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By Hand Delivery

March 26, 2019

Clerk of the Court, Ruby J. Krajick  
United States District Court  
Southern District of New York  
Office of the Clerk  
500 Pearl Street  
New York, New York 10007

Re: *Lloyd A. Abel, et al. v. Islamic Republic of Iran*  
Case Number: 1:18-cv-11837 (GBD) (SN); RE: Service

Dear Clerk of the Court, Ruby J. Krajick:

I represent the Plaintiffs in the above-referenced action.

I am writing to request you effect service on the Defendant, Islamic Republic of Iran, pursuant to 28 U.S.C. §1608(a)(4), at the following address:

Minister of Foreign Affairs  
Ministry of Foreign Affairs of the Islamic Republic of Iran  
Iman Khomeini Avenue  
Tehran, Iran  
ATTN: H.E. Mohammad Javad Zarif

Service on Iran cannot be effected under 28 U.S.C. Sections 1608(a)(1) and (2) because the United States and Iran do not have any special arrangement for service of process upon Iran in accordance with sub-section (1), nor is service permitted by any applicable international convention under the provisions of sub-section (2).<sup>1</sup> See *Valore v. Islamic Republic of Iran*, 700 F. Supp. 2d 52, 70 (D.D.C. 2010).

On February 15, 2019, Plaintiffs, through the Clerk of the Court, attempted to serve Defendant pursuant to the provision to 28 U.S.C. §1608(a)(3). Annexed hereto as **Exhibit 1**, is a copy of the certificate of mailing.

As of Tuesday, March 26, 2019, over thirty (30) days passed since the certificate of mailing has been issued and service had not been able to be completed

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<sup>1</sup> Iran is not a signatory to the convention of the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

Anderson Kill P.C.

March 26, 2019

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under 28 U.S.C. § 1608(a)(3). Annexed hereto as **Exhibit 2**, is a true and correct copy of the USPS tracking information of the package sent by the Clerk of the Court indicating that serve has not been made. .

Accordingly please serve Defendant pursuant to 28 U.S.C. §1608(a)(4) at the following address:

U.S. Department of State  
SA-29, 4th Floor, 2201 C Street NW  
Washington, DC 20520.  
Attn: Secretary of State, Director of Consular Services, Office of Policy  
Review and Inter-Agency Liaison (CA/OCS/PRI)

Enclosed please find copies of the following documents:

1. Summons.
2. Complaint deemed filed on December 17, 2018.
3. Civil Cover Sheet.
4. Notice of suit prepared in accordance with 22 CF § 93.2 with a copy of 28 U.S.C. 1330.
5. Affidavit of translator (along with translations of the above documents)<sup>2</sup>.

In total, we are providing three complete sets of the documents, in both English and Farsi. In accordance with pages 12-13 of the Court's Foreign Mailing Instructions we are providing two sets for service on Defendant and a set of documents for the Court's file.

We have also enclosed pre-paid FedEx label and envelope for delivery to the address above. Please note that our firm FedEx account number is 628354049.

We further enclose a cashier's check in the amount of \$2,275.00 made payable to "U.S. Embassy Bern."

Should you have any questions or require any additional information please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read "Jerry S. Goldman", followed by a circled "SU" or similar initials.

Jerry S. Goldman

Enclosures

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<sup>2</sup> The affidavit of the translator comports with the requirements of NY CPLR 2101(b).

# **EXHIBIT 1**

3/26/2019

USPS.com® - USPS Tracking® Results

**USPS Tracking®**

**FAQs >** (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

**Track Another Package +**

**Tracking Number:** LA3209000391US

Remove X

## **Status Not Available**

The tracking number may be incorrect or the status update is not yet available. Please verify your tracking number and try again later.

Feedback

## **Can't find what you're looking for?**

Go to our FAQs section to find answers to your tracking questions.

**FAQs** (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

# **EXHIBIT 2**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Abel, et al,

Plaintiff(s)

-v-

Islamic Republic of Iran

Defendant(s)

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2/15/19

CERTIFICATE OF MAILING

Case No.: 1:18-cv-11837 (GBD)

I hereby certify under the penalties of perjury that on the 14 day of February, 2019, I served:  
the Islamic Republic of Iran, c/o H.E Mohammad Javad Zarif, Minister of Foreign Affairs, Minister of  
Foreign Affairs of the Islamic Republic of Iran, Iman Khomeini Avenue, Tehran, Iran.

☐ the individual of the foreign state, pursuant to the provisions of FRCP 4(f)(2)(c)(ii).

☒ the head of the ministry of foreign affairs, pursuant to the provisions of the Foreign  
Sovereign Immunities Act, 28 U.S.C. § 1608(a)(3).

☐ the Secretary of State, Attn: Director of Consular Services, Office of Policy Review and  
Inter-Agency Liaison (CA/OCS/PRI), U.S. Department of State, SA-29, 4<sup>th</sup> Floor, 2201 C Street NW,  
Washington, DC 20520, pursuant to the provisions of the Foreign Sovereign Immunities Act, 28 U.S.C.  
§ 1608(a)(4).

☐ the head of the agency or instrumentality of the foreign state, pursuant to the provisions  
of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(b)(3)(B).

1 copy(ies) of the Summons, Complaint filed on December 12, 2018, Civil Cover Sheet, Notice  
of Suit prepared in accordance with 22 CF § 93.2 with a copy of 28 USC 1330, and Affidavit of translator  
(along with translations of all the above documents), by United States Postal Service #1A3209000391US.

Dated: New York, New York  
02/14/2019

RUBY J. KRANICK  
CLERK OF COURT

  
Edressa Kamal  
DEPUTY CLERK

Case 1:18-cv-11837-GBD-SN Document 11 Filed 02/15/19 Page 2 of 5

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
OFFICE OF THE CLERK  
500 PEARL STREET  
NEW YORK, NEW YORK 10007

RUBY J. KRAJICK  
CLERK OF COURT

February 12, 2019

Minister of Foreign Affairs  
Minister of Foreign Affairs of Iran  
Iman Khomeini Avenue  
Tehran, Iran  
Attn: H.E. Mohammad Javad Zarif

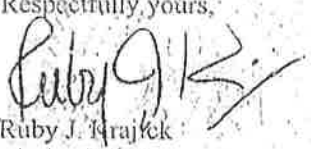
Re: Abel, et al. v. Islamic Republic of Iran, Case No. 18-cv-11837 (GBD)

Dear Sir:

Pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(3), one copy of the following documents (one set each in English and Farsi) is being served on you on behalf of the Plaintiff in the above-referenced action which names your country and/or government office as a defendant:

- Summons
- Complaint deemed filed on December 12, 2018
- Civil Cover Sheet
- Notice of suit prepared in accordance with 22 CF § 93.2 with a copy of 28 USC 1330
- Affidavit of translator (along with translations of the above documents)

Respectfully yours,

  
Ruby J. Krajick  
Clerk of Court

Enc.



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## USPS Customs Declaration and Dispatch Note

- Print in English using blue or black ink.
- Complete all SHADED fields before acceptance.
- See the Privacy Notice on the reverse of Copy 4.

SENDER'S INFORMATION			SHIPMENT INFORMATION (Continued) — BOXED AREA IS FOR USPS-USE ONLY		
Full Last Name <b>Goldman</b>	Full First Name <b>Jerry</b>	Initials <b>S</b>	USPS Official Use	USPS Consignee Account	LMS Scheduled Delivery Date <b>/ /</b>
Business Name (if applicable) <b>Anderson Kill PC</b>	Sender's Telephone <b>212 278 1045</b>		Total Postage/Fees (U.S. \$)	Insured Value (U.S. \$)	Insured Fee (U.S. \$)
Address 1 <b>1251 Avenue of the Americas</b>			7. Sender's Email Address <b>swahedandersonkill.com</b>		
Address 2			8. Addressee's Email Address		
City <b>New York</b>			9. Exporter's Reference (if applicable and known)		
State <b>NY</b>			10. Exporter's Telephone (if applicable and known)		
ZIP Code <b>10020</b>			11. Importer's Reference (if applicable and known)		
12. Importer's Telephone (if applicable and known)			13. AES ITN (if applicable)		
14. AES Exemption — NOEE (if check one in applicable) <input type="checkbox"/> \$ 30.36 <input type="checkbox"/> \$ 30.37 (a) <input type="checkbox"/> \$ 30.37 (b) <input type="checkbox"/> \$ 30.37 (c) <input type="checkbox"/> Other			15. License Number (if applicable)		
16. Certificate Number (if applicable)			17. Invoice Number (if applicable)		
18. Length (inches)			19. Width (inches)		
20. Height (inches)			21. Restrictions (if applicable — check all that apply) <input type="checkbox"/> Quarantine <input type="checkbox"/> Sanitary/Hygiene Inspection		
22. Non-delivery instructions (check one) <input checked="" type="checkbox"/> Return to Sender <input type="checkbox"/> Treat as Abandoned			23. Sender's Signature and Date <b>[Signature]</b>		
I certify the particulars given in this customs declaration are correct. This package does not contain any undeclared dangerous items, or items prohibited by legislation or by postal or customs regulations. I have met all applicable export filing requirements under federal law and regulations.					
For Business Mailers, for items in Block 2 (if the information is known)					
24. HS Tariff Number					
25. Country of Origin					

PS Form 2970-R, April 2016 PSN 7530-17-000-7002

IMPORTANT: This package may be opened officially.

1 — Customs Declaration

## Registered No.

## Date Stamp

To Be Completed By Post Office		To Be Completed By Customer (Please Print)	
Postage \$	Extra Services & Fees (if any)	FROM	TO
Extra Services & Fees	<input type="checkbox"/> Signature Confirmation	Jerry Goldman	Minister of Foreign Affairs
<input type="checkbox"/> Registered Mail \$	<input type="checkbox"/> Signature Confirmation Restricted Delivery	Anderson Kill PC	Ministry of Foreign Affairs of Iran
<input type="checkbox"/> Return Receipt (hardcopy) \$	Total Postage & Fees \$	1251 Avenue of the Americas	Imam Khomeini Avenue
<input type="checkbox"/> Return Receipt (electronic) \$	Received by	New York, NY 10020	Attn: Mohammad, Amir Zanj
<input type="checkbox"/> Restricted Delivery \$	Customer Must Declare Full Value \$	Tehran, Iran	

PS Form 3806, Registered Mail Receipt  
April 2015, PSN 7530 02 000 0051Copy 1 - Customer  
(See Information on Reverse)

PS Form 2865, February 1997

Avis de réception

CN

UNITED STATES OF AMERICA

Etats-Unis c

A renvoyer par la voie la plus rapide (à l'adresse ou de surcoût), à découvrir et en franchise de port.

UNITED STATES DISTRICT COURT, SDNY

Street and Number (Rue et no.)  
500 PEARL STREET  
NEW YORK, NY 10007

Return by the quickest route (air or surface mail), a découvrir and postage free.

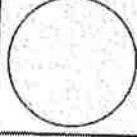
The sender completes and indicates the address for the return of this receipt (A remplir par l'expéditeur, qui indiquera son adresse pour le renvoi du reçu)

Name of Firm (Nom ou pseudo sociale)  
KUBIE J. KRAJICK

Administration des Postes des Etats-Unis d'Amérique

Par Avion

Return Receipt for Intern  
(Registered, Insured, Recorded Delivery)

Completed by the office of origin. (A remplir par le bureau d'origine.)	Item Description (Nature de l'envoi)		<input type="checkbox"/> Registered Article (Envoi recommandé)	<input type="checkbox"/> Letter (Lettre)	<input type="checkbox"/> Printed Matter (Imprimé)	<input type="checkbox"/> Other (Autre)	<input type="checkbox"/> Recorded Delivery (Envoi à livraison attestée)	<input type="checkbox"/> Express Mail International
	<input type="checkbox"/> Insured Parcel (Colis avec valeur déclarée)		Insured Value (Valeur déclarée)		Article Number			
	Office of Mailing (Bureau de dépôt) CHINA TOWN STATION						Date of Posting (Date de dépôt)	
	Addressee Name or Firm (Nom ou raison sociale du destinataire) MINISTRY OF FOREIGN AFFAIRS OF IRAN							
Completed at destination. (A compléter à destination.)	Street and No. (Rue et No.) IMAM KHOMEINI AVENUE ATTN: H.E. MOHAMMAD JAVAD ZARIF							
	Place and Country (Localité et pays) TEHRAN Iran							
	<small>This receipt must be signed by: (1) the addressee; or, (2) a person authorized to sign under the regulations of the country of destination; or, (3) if these regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail. (Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier réglementaire à expédier.)</small>						<small>Postmark of the office of destination (Timbre du bureau de destination)</small> 	
	<input type="checkbox"/> The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été dûment livré.)						Date	
Signature of Addressee (Signature du destinataire)				Office of Destination Employee Signature (Signature de l'agent du bureau de destination)				

PS Form 2865, February 1997 (Reverse)

Registered No. Case 1:18-cv-11887-GBD-SN Document 11 Filed 02/15/19

Date Stamp  
0004  
05

LA320900029US  
USPS Customs Declaration - CN 22

IMPORTANT: The item parcel may be opened officially. See Privacy Notice on reverse of Sender's Instructions page. Please print in English and print firmly; you are making multiple copies.

From: Sender's Last Name First  
Business  
Address  
City State ZIP+4  
Telephone/Fax or Email

To Be Completed By Post Office

Postage \$ \$13.95  
Extra Services & Fees  
Registered Mail \$ \$16.00  
Return Receipt (hardcopy) \$ \$4.10  
Return Receipt (electronic) \$ \$0.00  
Restricted Delivery \$ \$0.00  
Total Postage & Fees \$ \$34.05

Customer Must Declare Full Value \$0.00  
Received by 02/14/2019

Domestic insurance up to \$50,000 is included based upon the declared value. International indemnity is limited. (See Reverse)

OFFICIAL USE

To Be Completed By Customer (Please Print)  
All Entries Must Be in Ballpoint or Typed

FROM  
NEW YORK, NY 10013  
Jerry Goldman  
Anderson Hill Pl  
1251 Avenue of the Americas  
New York, NY 10020  
Ministry of Foreign Affairs  
TO  
Ministry of Foreign Affairs of Iran  
Iran Khomeini Avenue MIN Mohammad, Blvd Zait  
Tehran, Iran

PS Form 3806, Registered Mail Receipt  
April 2015, PSN 7530-02-000-0051

Copy 1 - Customer  
(See Information on Reverse)

CHINATOWN  
6 DOYERS ST  
NEW YORK  
NY  
10013-9991  
3596040004  
02/14/2019 (800)275-8777 3:27 PM

Product Description	Sale Qty	Final Price
First-Class Intl Large Envelope (International) (Iran) (Weight: 1 Lb 3.80 Oz) (Customs #: LA320900029US)	1	\$13.95
Registered (Amount: \$0.00) (USPS Registered Mail #) (RB596387653US)	1	\$16.00
Return Receipt	1	\$4.10
<b>Total</b>		<b>\$34.05</b>
Cash		\$35.00
Change		(\$0.95)

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Save this receipt as evidence of insurance. For information on filing an insurance claim go to <https://www.usps.com/help/claims.htm>

Preview your Mail  
Track your Packages  
Sign up for FREE @  
[www.informedelivery.com](http://www.informedelivery.com)